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\*\* E-filed May 3, 2010 \*\*

7 ATTORNEYS FOR Plaintiffs,  
8 KATHLEEN VENTIMIGLIA, INDIVIDUALLY, AND AS THE  
9 GUARDIAN AD LITEM FOR STEPHEN VENTIMILIA AND KELLIE  
10 VENTIMILIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KATHLEEN VENTIMIGLIA, individually,  
and as the Guardian Ad Litem for  
STEPHEN VENTIMILIA and KELLIE  
VENTIMILIA,

CASE NO. C 5:07-CV-5481 HRL  
**STIPULATION AND ORDER  
SUBSTITUTING A PARTY**

Plaintiffs,

v.

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UNITED STATES OF AMERICA,  
CHAMBLIN-LANDES CONSTRUCTION,  
INC., a California corporation; WWD  
CORPORATION, a California  
corporation; DAVID FULLER, individually;  
JENNIFER RUDOLPH, individually;  
LARRY GABRIEL, individually; LARRY  
SPENCER CONSTRUCTION; and DOES  
6-50, inclusive,

Defendants.

The parties to this action, through their respective attorneys of record, stipulate  
and agree as follows:

(1) KATHLEEN VENTIMIGLIA is no longer the guardian ad litem of her  
daughter, KELLIE VENTIMILIA, due to the fact that KELLIE VENTIMILIA  
has reached the age of majority as her date of birth is December 30, 1990.

(2) KELLIE VENTIMIGLIA is now added as a plaintiff in an individual capacity along with KATHLEEN VENTIMIGLIA.

(3) KATHLEEN VENTIMIGLIA will continue to be the guardian ad litem for STEPHEN VENTIMILIA, a minor.

Respectfully submitted,

DATED: April 29, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: April 29, 2010

CORSIGLIA, McMAHON & ALLARD LLP

/s/  
BRADLEY M. CORSIGLIA<sup>1</sup>  
Attorneys for Plaintiffs,  
KATHLEEN VENTIMIGLIA, individually, and  
as the Guardian Ad Litem for STEPHEN  
VENTIMILIA; and KELLIE VENTIMILIA,  
individually

DATED: April 29, 2010

## EMERSON, COREY & SORENSEN

/s/

DATED: April 29, 2010

VAN DE POEL, LEVY & ALLEN, LLP

/s/  
BARBARA L. MILLER  
Attorneys for Defendant,  
Larry Spencer Construction

<sup>1</sup> I, Bradley M. Corsiglia, hereby attest that I have on file all holographic signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

1 DATED: April 30, 2010

SEVERSON & WERSON

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3 /s/  
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Bruce N. Furukawa, Esq.  
Jeane Struck, Esq.  
Austin B. Kenney, Esq.  
Attorneys for Defendant,  
WWD Corporation

8 {PROPOSED} ORDER

9 Pursuant to the stipulation of the parties and good cause appearing, IT IS SO  
10 ORDERED.

11 DATED: May 3, 2010

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13 HON. HOWARD R. LLOYD  
14 UNITED STATES MAGISTRATE JUDGE  
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